



PLANNING COMMISSION AGENDA

Wednesday, January 31, 2007

6:30 p.m. Regular Meeting

Council Chambers
City Hall Wing

200 East Santa Clara Street
San Jose, California

Xavier Campos, Chair
James Zito, Vice-Chair

Christopher Platten	Bob Dhillon
Ash Kalra	
Matt Kamkar	VACANT

Joseph Horwedel, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, January 31, 2007***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the AV technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

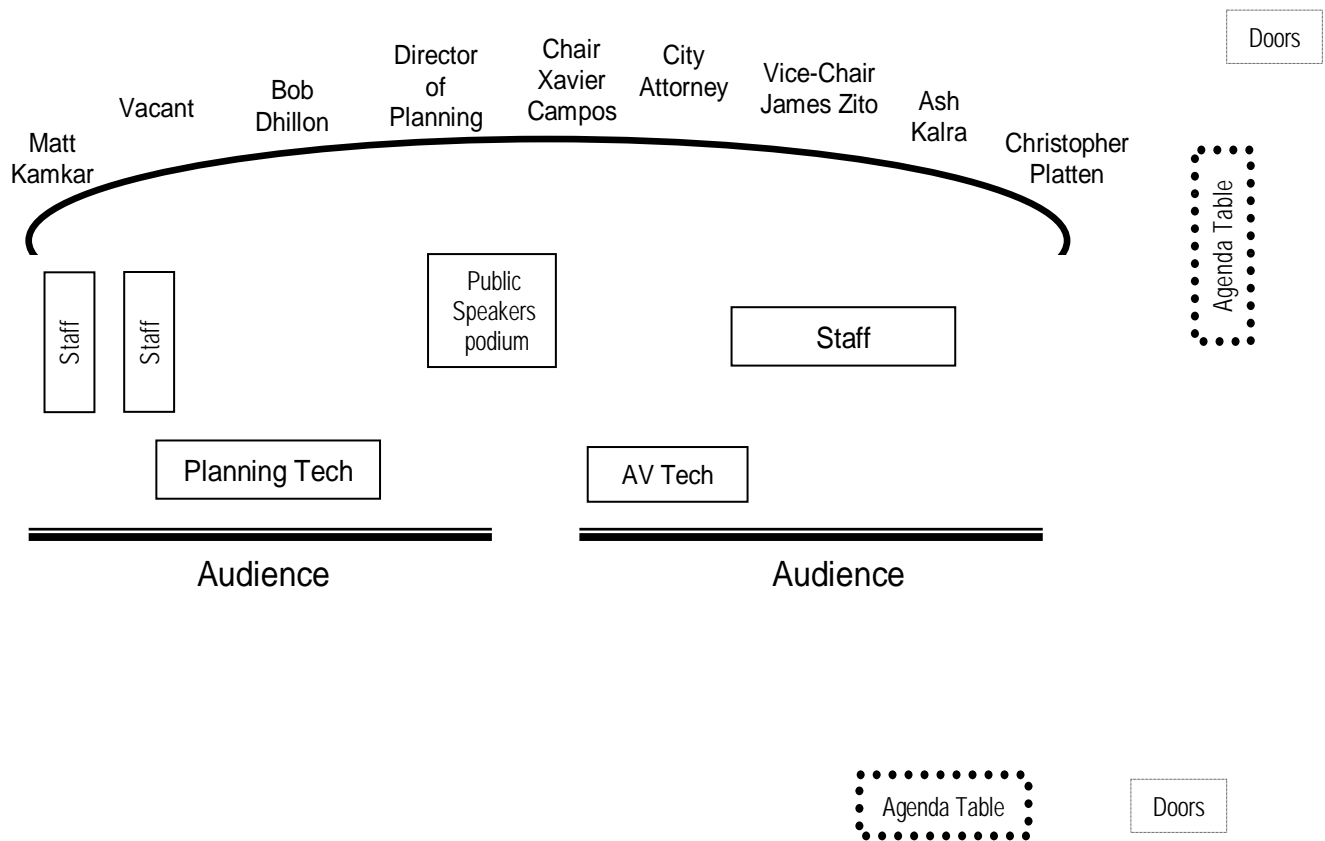
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. **CP06-068**. Conditional Use Permit to allow the addition of a third pool table to a pizza restaurant with two existing pool tables in the CP Pedestrian Commercial Zoning District, located at/on south side of Story Road, approximately 400 feet westerly of South King Road, front of APN 486-10-088 (1632 STORY RD)(Dennis Fong, Owner). Council District 7. SNI: K.O.N.A. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow the addition of a third pool table to a pizza restaurant with two existing pool tables in the CP Pedestrian Commercial Zoning District as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. [PDC06-071](#). Planned Development Rezoning from LI-Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 40 single-family detached residences on a 2.67 gross acre site, located on the southwesterly side of Campbell Av 950 ft northwesterly of Newhall St (1179 CAMPBELL AV) (Cobalt Associates, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 12-6-06.

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from LI-Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 40 single-family detached residences as recommended by Staff.

- b. [PD05-066](#). APPEAL of the Planning Director's decision to approve a Planned Development Permit to construct 238 residential units and associated structured parking (Building 8B) at Santana Row on a 4.095 gross acre site, in the A(PD) Planned Development Zoning District, located on the southwest corner of Olin Avenue and Hatton Street (388 SANTANA ROW) (FRIT SAN JOSE TOWN & COUNTRY VILLAGE LLC, Owner/Developer). Council District 6. SNI: None. CEQA: Final Town and Country Village EIR, EIR Resolution No. 68210.

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA. Uphold Director's decision to approve a Planned Development Permit to construct 238 residential units and associated structured parking as recommended by Staff.

- c. The projects being considered are located at the southeast corner of Almaden Expressway and Almaden Road (18950 Almaden Road) (Carson Jon D And R Jennifer, Owner). City Council District: 10. SNI: None. CEQA: Mitigated Negative Declaration Protest.

1. PROTEST OF A NEGATIVE DECLARATION for a Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District.

Staff Recommendation:

Uphold the Director's decision to adopt a Mitigated Negative Declaration as recommended by Staff.

2. [PDC05-109](#). Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow removal of the Feed and Fuel building for construction of up to 13 single-family detached residences on a 1.24 gross acre site.

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning

from A Agriculture Zoning District to A(PD) Planned Development Zoning District as recommended by Staff.

- d. [CP06-038/ABC06-015](#). Conditional Use Permit and associated Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages at an existing grocery store on a 2.22 gross acre site in the CP Pedestrian Commercial Zoning District located on the east side of South White Road approximately 250' south of Quimby Road (2812 S WHITE RD, Manila Market) (Tj Kwan Family Associates Lp, Owner). Council District 8. SNI: None. CEQA: Exempt.

Staff Recommendation:

Deny a Conditional Use Permit and associated Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages at an existing grocery store as recommended by Staff.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.
- b. Draft Environmental Impact Report (EIR) for San Jose Flea Market for a General Plan Amendment and Planned Development Rezoning (File No. GP/GPT06-04-01/PDC03-108) to change the land use designation of the site from Combined Industrial/Commercial on 24.3 acres to Transit Corridor Residential (20+ DU/AC) with a Flexible Land use Boundary; to increase building height limit from 120 feet to 150 feet on a portion of the site south of Berryessa Road; and add a Major Collector roadway through the project site between Mabury and Berryessa Roads. The Project includes a Planned Development Rezoning to allow up to 2,818 residential dwelling units and 365,622 square feet of commercial/industrial/office uses on a 120.3-acre site. Council District: 4.
- c. Draft Environmental Impact Report (EIR) for the Valley Fair Shopping Center Expansion General Plan Text Amendment to increase the allowed building height on the site from 50 to 65 feet and Site Development Permit (File No. GP06-T-04/H06-027) to allow an approximately 650,000 gross square foot expansion of the existing Westfield Valley Fair Shopping Center to accommodate up to two new anchor stores and additional retail space. The project also includes the demolition and reconstruction of two existing parking structures and the relocation of three outbuildings. Council District: 6.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
 - Coyote Valley Specific Plan (Platten)
 - Parks Funding Subcommittee (Zito)
- c. Review of synopsis
- d. Consider adding study session dates

8. ADJOURNMENT

2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 17	6:30 p.m.	Regular Meeting	Council Chambers
January 31	6:30 p.m.	Regular Meeting	Council Chambers
Mon. February 12	5:00 p.m.	<i>Study Session</i> <i>Meeting Procedures and Commission Role</i>	T-550
Mon. February 12	6:30 p.m.	Regular Meeting	Council Chambers
February 28	6:30 p.m.	Regular Meeting	Council Chambers
March 14	6:30 p.m.	Regular Meeting	Council Chambers
March 28	5:00 p.m.	<i>Study Session</i> <i>Level of Service Policy</i>	T-332
March 28	6:30 p.m.	Regular Meeting	Council Chambers
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	5:00 p.m.	<i>Study Session</i> <i>Economic Development/Retail Strategy</i>	T-332
April 25	6:30 p.m.	Regular Meeting	Council Chambers
May 2	5:00 p.m.	<i>Study Session</i> <i>Review Capital Improvement Program</i>	T-1654
May 2	6:30 p.m.	Regular Meeting	Council Chambers
May 16	6:30 p.m.	Regular Meeting	Council Chambers
May 30	6:30 p.m.	Regular Meeting	Council Chambers
June 13	6:30 p.m.	Regular Meeting	Council Chambers
June 27	6:30 p.m.	Regular Meeting	Council Chambers
July 18	6:30 p.m.	Regular Meeting	Council Chambers
August 8	6:30 p.m.	Regular Meeting	Council Chambers
August 22	6:30 p.m.	Regular Meeting	Council Chambers
September 12	6:30 p.m.	Regular Meeting	Council Chambers
September 26	6:30 p.m.	Regular Meeting	Council Chambers
October 10	6:30 p.m.	Regular Meeting	Council Chambers
October 24	6:30 p.m.	Regular Meeting	Council Chambers
November 7	6:30 p.m.	Regular Meeting	Council Chambers
November 14	6:30 p.m.	Regular Meeting	Council Chambers
November 28	6:30 p.m.	Regular Meeting	Council Chambers
December 5	6:30 p.m.	Regular Meeting	Council Chambers